

CONTRACT #1
RFS # 343.10-127

Department of Health

VENDOR:
Optimum Technology, Inc.



RECEIVED

AUG 21 2007

FISCAL REVIEW

Tennessee Department of Health
Cordell Hull Building
425 5th Avenue North
Nashville, Tennessee 37243

Phil Bredesen
Governor

Susan R. Cooper, MSN, RN
Commissioner

TO: M. David Goetz, Jr., Commissioner, Dept. of Finance & Administration
James W. White, Executive Director, Fiscal Review Committee

FROM: Susan R. Cooper, MSN, RN, Commissioner, Dept. of Health
Bureau of Health Licensure and Regulation

DATE: August 21, 2007

SUBJECT: Non-Competitive Contract Amendment between Optimum Technology, Inc.
and the Board of Pharmacy

Public Chapter 407 of the Acts of 2007 transferred the Board of Pharmacy from the Department of Commerce and Insurance to the Department of Health effective July 1, 2007.

The Board of Pharmacy has a contract with Optimum Technology, Inc. to implement a data repository capable of collecting, maintaining and reporting controlled substance prescription data dispensed in the State of Tennessee. The contract term is August 21, 2006 through August 20, 2008 and is funded with 100% federal funds. An amendment to this contract is necessary to reflect the Board of Pharmacy's transfer to the Department of Health.

We will provide any further information you may need upon your request.

SRC:BAR:br

JRC / RAN

C O N T R A C T S U M M A R Y S H E E T

060706

RFS #	Contract #
343.10-127-07	FA-07-16959-01
State Agency	State Agency Division
Department of Health	BHLR/Pharmacy
Contractor Name	Contractor ID # (FEIN or SSN)
Optimum Technology, Inc.	<input type="checkbox"/> C- or <input checked="" type="checkbox"/> V- 311231081-00

Service Description

Design, construct and implement a data repository capable of collecting, maintaining and reporting controlled substance prescription data dispensed in the State of Tennessee.

Contract Begin Date	Contract End Date	SUBRECIPIENT or VENDOR?	CFDA #
August 21, 2006	August 20, 2008		

Mark Each TRUE Statement

☒ Contractor is on STARS ☒ Contractor's Form W-9 is on file in Accounts

Allotment Code	Cost Center	Object Code	Fund	Funding Grant Code	Funding Subgrant Code
343.10	46				

FY	State	Federal	Interdepartmental	Other	TOTAL Contract Amount
2007		\$493,500			\$493,500
2008		356,500			\$356,500
TOTAL:		\$850,000			\$850,000

— COMPLETE FOR AMENDMENTS ONLY —			State Agency Fiscal Contact & Telephone #
FY	Base Contract & Prior Amendments	THIS Amendment ONLY	
TOTAL:			
End Date:			

State Agency Budget Officer Approval

Crystal Allen

Funding Certification (certification, required by T.C.A. § 9-4-5113, that there is a balance in the appropriation from which the obligated expenditure is required to be paid that is not otherwise encumbered to pay obligations previously incurred)

Contractor Ownership (complete only for base contracts with contract # prefix: FA or GR)

<input type="checkbox"/> African American	<input type="checkbox"/> Person w/ Disability	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Small Business	<input type="checkbox"/> NOT minority/disadvantaged
<input checked="" type="checkbox"/> Asian	<input type="checkbox"/> Female	<input type="checkbox"/> Native American	<input type="checkbox"/> OTHER minority/disadvantaged—	

Contractor Selection Method (complete for ALL base contracts— N/A to amendments or delegated authorities)

<input checked="" type="checkbox"/> RFP	<input type="checkbox"/> Competitive Negotiation	<input type="checkbox"/> Alternative Competitive Method
<input type="checkbox"/> Non-Competitive Negotiation	<input type="checkbox"/> Negotiation w/ Government (e.g., ID, GG, GU)	<input type="checkbox"/> Other

Procurement Process Summary (complete for selection by Alternative Method, Competitive Negotiation, Non-Competitive Negotiation, OR Other)

Amendment #1— change from the contract department name(Department of Commerce) to the Department of Health. The Pharmacy Board is now under the Department of Health effective July 1, 2007.

**AMENDMENT ONE
TO CONTRACT FA-07-16959-00**

This Contract, by and between the State of Tennessee, Department of Commerce and Insurance, hereinafter referred to as the State, and Optimum Technology, Inc., hereinafter referred to as the Contractor, is hereby amended as follows:

1. Add the following as Section E.17.:

State Agency Name. Effective July 1, 2007, all references to "the Department of Commerce and Insurance" shall be deleted and replaced with "the Department of Health."

2. Delete Section E.2. in its entirety and insert the following in its place:

E.2. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Contract shall be in writing and shall be made by facsimile transmission, by overnight courier service, or by first class mail, postage prepaid, addressed to the respective party at the appropriate facsimile number or address as set forth below or to such other party, facsimile number, or address as may be hereafter specified by written notice.

The State:

Terry Grinder, Interim Pharmacy Board Director
Department of Health
Tennessee Board of Pharmacy
220 Athens Way, Suite 104
Plaza 1, MetroCenter
Nashville, TN 37243
Terry.Grinder@state.tn.us
Telephone # (615) 741-2718
FAX # (615) 741-2274

The Contractor:

Josh M. Davda, President
Optimum Technology, Inc.
100 E. Campus View Blvd., Suite 380
Columbus, OH 43235
Josh.Davda@otech.com
Telephone # (614) 785-1110 Ext 112
FAX # (614) 785-1114

All instructions, notices, consents, demands, or other communications shall be considered effectively given as of the day of delivery; as of the date specified for overnight courier service delivery; as of three (3) business days after the date of mailing; or on the day the facsimile transmission is received mechanically by the telefax machine at the receiving location and receipt is verbally confirmed by the sender if prior to 4:30 p.m. CST. Any communication by facsimile transmission shall also be sent by United States mail on the same date of the facsimile transmission.

The other terms and conditions of this agreement not amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF:

OPTIMUM TECHNOLOGY, INC.:


CONTRACTOR SIGNATURE

6-26-07
DATE 06-26-2007

Josh M. Davda, President

Josh M. Davda, President

DEPARTMENT OF COMMERCE AND INSURANCE:


LESLIE A. NEWMAN, COMMISSIONER

6/27/2007
DATE

DEPARTMENT OF HEALTH:


SUSAN R. COOPER, MSN, RN, COMMISSIONER

8-6-07
DATE

APPROVED:

DEPARTMENT OF FINANCE AND ADMINISTRATION:

M. D. GOETZ, JR., COMMISSIONER

DATE

COMPTROLLER OF THE TREASURY:

JOHN G. MORGAN, COMPTROLLER OF THE TREASURY

DATE

021406

NOT minority/disadvantaged
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